

Municipal Clerk  
Atlanta, Georgia

**07-O-1454**  
**Z-07-73**

AN SUBSTITUTE ORDINANCE BY:  
ZONING COMMITTEE

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REPLACING CHAPTER 18I: SPI 9 BUCKHEAD COMMERCIAL CORE DISTRICT REGULATIONS WITH A NEW CHAPTER 18I: SPI 9 BUCKHEAD VILLAGE OVERLAY DISTRICT AND TO AMEND THE OFFICIAL 1982 ZONING ORDINANCE MAP BY OVERLAYING SAID AMENDED SPI 9 DISTRICT, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Buckhead community has worked with the Buckhead neighborhoods, property owners and business to develop a streetscaping plan for the Buckhead Village area;

**WHEREAS**, it is the desire of the Buckhead community to create streetscapes and street beautification through the provision for sidewalks and pedestrian amenities;

**WHEREAS**, it is the desire of the Buckhead community to improve the aesthetics of the Buckhead Village and to create a beautiful and attractive urban environment through quality and vibrant streetscape design;

**WHEREAS**, it is the desire of the Buckhead community to ensure the safe and convenient movement of pedestrians within Buckhead Village through the provision of adequate and accommodating streetscapes;

**WHEREAS**, it is the desire of the Buckhead community to reduce pedestrian and vehicular conflict throughout Buckhead Village by providing clear and delineated streetscapes for pedestrian movement; and

**WHEREAS**, it is the desire of the Buckhead community to implement the intent of the SPI-9 district through modifications of underlying district zoning regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by amending Chapter 18I. SPI 9 Buckhead Commercial Core Regulations, which shall read as shown on the attached "Attachment A"

Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment B".

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

## **ATTACHMENT “A”**

### **CHAPTER 18I. SPI-9 BUCKHEAD VILLAGE OVERLAY DISTRICT REGULATIONS**

#### **Section 16-18I.001. Scope of provisions**

The scope of regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the SPI-9 Buckhead Village Overlay District. The existing zoning map and underlying zoning regulations governing all properties within the SPI-9 Buckhead Village Overlay District shall remain in full force and effect. The regulations contained within this chapter shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this chapter shall apply. Whenever the following regulations are at variance with historic district regulations of Part 16, Chapter 20, the more stringent regulations shall apply.

#### **Section 16-18I.002. Statement of intent**

The intent of the council in establishing the SPI-9 Buckhead Village Overlay District is as follows:

1. To provide for a balanced mix of office, shopping, retail commercial, housing and related uses within the SPI-9 District so as to serve neighborhood shopping needs, specialty retail shopping needs, and to provide a mix of uses which provides goods and services to residents of adjacent neighborhoods;
2. To ensure the safe and convenient movement of pedestrians within Buckhead Village through the provision of adequate and accommodating streetscapes, and to reduce pedestrian and vehicular conflict by providing clear and delineated streetscapes for pedestrian movement;
3. To assure a district which is safe and which does not create traffic congestion, noise, or other problems for adjoining residential areas;
4. To implement the community vision for streetscapes and street beautification through the provision of sidewalks and pedestrian amenities, and to improve Buckhead Village by creating an aesthetically pleasing urban environment through quality, vibrant streetscape design;
5. To implement the intent of the SPI-9 district through modifications of underlying district zoning regulations.

#### **Section 16-18I.003. Application Procedures and Permits.**

1. Special Administrative Permit (SAP) application:
  - a. An SAP application and a specified number of copies each of a site plan, landscape plan, and elevation drawings of each exterior façade shall be submitted, as applicable, and approved by the Director of the Bureau of Planning prior to an applicant filing for a building permit. All exterior demolition, new construction (including additions to existing buildings), modifications of outdoor dining, or any construction which results in increased lot coverage, modification of the building footprint, or modification of building facades that alters the configuration of openings, shall be subject to said SAP approval.
  - b. Where regulations require the approval of a SAP for other purposes so specified, processing by the Director of the Bureau of Planning shall, without additional application, include consideration of other special administrative permits. Where

such regulations require special exception or special use permit action, the special administrative permit for building permit purposes shall not be issued until the necessary approval has been obtained for such special exception or special use permit.

2. Exemption from SAP application: Any interior renovations or exterior repairs not explicitly set forth shall not require SAP approval. Said classes of special administrative permit applications may be exempted from detailed review requirements upon written findings that generally within these districts, the actions proposed are of such a character or of such a scale as to make detailed reviews and approval by the Planning Director unnecessary. Where applications for special administrative permits are determined by reference to such findings to be thus exempted, the permit shall be issued if otherwise lawful.
3. Administrative Variations: As part of general action when plans require approval of a special administrative permit, the Director of the Bureau of Planning may authorize variations from regulations generally applying based on written findings that either:
  - a. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, satisfies the public purposes and intent, and provides public protection to an equivalent or greater degree; or
  - b. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.
  - c. Notation concerning the existence of such variation shall be made by written findings of SAP approval to be filed in the office of the Bureau of Buildings as public record. Variances and special exceptions from zoning regulations shall be required from the Board of Zoning Adjustment (BZA) in cases such as minimum yards (not adjacent to the street), minimum transitional yards, transitional height plane, minimum open and public space, maximum building height, maximum fence height, minimum parking requirements, loading requirements and signage limitations among others.

#### **Section 16-181.004. Permitted principal uses and structures**

For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation within five (5) feet of the adjacent sidewalk.

1. Active Uses: Along Peachtree Road, Pharr Road, East Paces Ferry Road, West Paces Ferry Road, and Roswell Road: Sidewalk-level active uses with street frontage shall only be either: banks, saving and loan associations and similar financial institutions; business or commercial schools; child care centers, kindergartens and special schools; clubs and lodges; commercial recreation establishments; eating and drinking establishments; institutions of higher learning; laundry and dry cleaning, collection stations or plants; multi-family dwellings; museum, galleries, auditoriums, libraries, and similar cultural facilities; offices, clinics, laboratories, studios, and similar uses; professional or personal service establishments; retail establishments; and any use permitted by special use permit. Said uses shall be provided for a minimum depth of 20 feet from any building facade along the public sidewalk, unless existing topographical considerations render this requirement unreasonable. Entrances to said uses shall be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street. All buildings shall have a defined sidewalk-level for purposes of the active-use requirement.
2. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second

floor above sidewalk-level and higher, or on sidewalk-level where the minimum active use depth as specified above in Section 16-181.004(1) is provided.

3. No parcel within the SPI-9 Buckhead Village Overlay District shall be utilized for any adult business use.
4. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between the principal structure and the street.

#### **Section 16-181.005. Sidewalks**

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein and in the Buckhead SPI-9 Streetscape Table. Public sidewalks shall be no less than 15 feet in width and consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall be located immediately adjacent to the curb and shall be a continuous minimum width of five (5) feet. This zone is reserved for the placement of street trees as required in Section 16-181.005(4) and provided street furniture including utility and light poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters, bicycle racks, seating and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
2. Clear zone requirements: The clear zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be a continuous hardscape for a minimum width of ten (10) feet with a consistent cross-slope not exceeding two (2%) percent. No fixed elements, including traffic control boxes or other utility structures, shall be placed above ground in the Clear Zone for a minimum height of eight (8) feet (see also Section 16-181.005(8)).
3. Paving: All sidewalk paving be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of sidewalks, including street furniture and tree planting zone and sidewalk clear zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.
4. Street tree planting requirements: Street trees are required and shall be planted in the ground within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be single-stemmed with a minimum of three (3) inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of 40 square feet. All plantings, planting replacement and planting removal shall be approved by the City Arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or *liriope spicata*, or shall be paved as approved by the Director of Planning.
  - a. Along Peachtree Street: street trees shall be planted at a maximum interval of 40 feet on center.
  - b. Along all other streets in the SPI-9 district: street trees shall be planted at a maximum interval of 30 feet on center.

5. The sidewalk area shall taper as necessary to provide a smooth transition to the existing sidewalk of an adjacent zoning district. In the event that the abutting district has no existing sidewalk, the clear zone shall taper to a width of six (6) feet.
6. Decorative pedestrian lights, where appropriate, shall be placed equidistant between required street trees within the street furniture and tree planting zone.
  - a. Along Peachtree Street: Pedestrian lights shall be spaced at a maximum interval of 40 feet on center. All said lights shall be alternating Atlanta Type "A" and Atlanta Type "C" as approved by the Director of the Bureau of Planning.
  - b. Along all other streets in the SPI-9 district: Pedestrian lights shall be spaced at a maximum interval of 60 feet on center. All said lights shall be Atlanta Type "C" or other as approved by the Director of the Bureau of Planning.
7. Objects in the street furniture and tree planting zone: Trash receptacles, benches, bike racks or other similar elements shall be placed within the street furniture and tree planting zone and be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way. Awning, canopies or similar elements shall be prohibited within the street furniture and tree planting zone.
8. Objects in the clear zone: Outdoor dining (including landscape elements), vending elements, and potted plants may encroach upon the required sidewalk clear zone subject to the following:
  - a. A minimum of seven (7) feet of unobstructed sidewalk clear zone is provided; and
  - b. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the required sidewalk clear zone in any way; and
  - c. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided meeting the requirements of Section 16-181.006(4), and at such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter.
9. Visibility at intersections: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections, as measured from the curb, between the heights of two and one-half (2'-6") feet and eight (8) feet above grade. See Section 16-28.008(9): Visibility at Intersections.
10. Overhead utilities: Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures.
11. New streets: Any new streets created shall have the components and widths as identified in the Buckhead SPI-9 Streetscape Table.

<b>Buckhead SPI-9 Streetscape Table</b>	<b>Peachtree Street (Min. width in feet)</b>	<b>All Other Streets (Min. width in feet)</b>
Required Street Furniture and Tree Planting Zone	7'	5'
Required Sidewalk Clear Zone	13'	10'
Required Supplemental Zone	5'	See Sec. 16-181.006

### **Section 16-181.006. Supplemental Zone**

For purposes of these regulations, the area between any building, parking lot or parking structure and the back of the required sidewalk when no intervening building exists shall be defined as the supplemental zone. The Supplemental Zone shall have the minimum

widths specified herein and in the above Buckhead SPI-9 Streetscape Table and meet the following requirements:

1. Shall be no more than 30 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent sidewalk unless existing topographical considerations render this requirement unreasonable.
2. Plazas, terraces, porches and stoops within the supplemental zone shall have a maximum finished floor height of 30 inches above either: i) the provided supplemental zone elevation; or ii) above finished sidewalk grade unless existing topographical considerations render this requirement unreasonable.
3. Dimensions and components within the supplemental zone:
  - a. Adjacent to all uses:
    - i. Shall provide a pedestrian walkway with a minimum width of four (4) feet through said supplemental zone to connect to the adjacent required sidewalk. Said walkway shall be perpendicular to the street unless topography prohibits.
    - ii. Retail display windows may project into the required supplemental zone but shall not occupy more than two-thirds (2/3) of its horizontal area and shall have a minimum depth of three (3) feet and shall be internally illuminated, serviced by electricity, and accessible from the interior of a building.
  - b. Adjacent to sidewalk-level residential uses:
    - i. Shall be required at a minimum width of five (5) feet.
    - ii. Said zone shall be landscaped except for terraces, porches, stoops and walkways which may occupy a maximum of two-thirds of the supplemental zone area.
    - iii. For all such buildings with more than four (4) residential units: Shall be permitted to share said required pedestrian walkway with one (1) adjacent unit.
  - c. Adjacent to sidewalk-level non-residential uses:
    - i. Shall permit and allow pedestrians to walk on a minimum of 80 percent (80%) of the surface of the supplemental zone excluding water features, pedestrian furniture, public art and similar elements.
    - ii. Along Peachtree Road: shall be required at a minimum width of five (5) feet.
    - iii. Along all other streets:
      - (1) That portion of any supplemental zone square footage required by this Section which prohibits any proposed development from achieving a maximum building coverage of eighty-five percent (85%) of the net lot area shall be waived to the extent of the required supplemental zone and shall not be required to be met.
      - (2) The minimum total square footage shall be no less than twenty percent (20%) of the total square footage of both the total of the street furniture and tree planting zone and sidewalk clear zone; and
      - (3) The supplemental zone shall be a minimum width of five (5) feet and a minimum linear distance of ten (10) consecutive feet tangent to the adjacent sidewalk; and
      - (4) No more than one hundred and fifty (150) uninterrupted linear feet of sidewalk frontage on any parcel shall be without an adjacent supplemental zone
4. Fences and walls: shall only be allowed in the supplemental zone when meeting the following regulations:
  - a. For all sidewalk-level residential and outdoor dining uses:
    - i. Fences shall not exceed 42 inches in height.

- ii. Walls shall not exceed 24 inches in height unless existing topography requires a retaining wall of greater height.
  - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing, or similar barriers provided they do not exceed a height of 36 inches including any plant material.
- b. For all other non-residential sidewalk-level uses (except as permitted above): walls and fencing is prohibited.

## **Section 16-181.007. Driveways, Curb Cuts and Parking Structures**

1. Driveway curb cuts:
  - a. Shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
  - b. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
    - i. Developments with only one street frontage, which is less than 300 feet in length: one (1);
    - ii. Developments with only one street frontage, which is greater than or equal to 300 feet in length: two (2) and separated by a minimum distance of 250 linear feet;
    - iii. Developments with more than one street frontage: one (1) located on each street frontage;
    - iv. For the purposes of this Section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.
2. Driveways:
  - a. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.
  - b. Driveways or circular drives, except to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street with the exception of hotels and child care centers, kindergartens and special schools, subject to provisions in Section 16-25.002(3).
  - c. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as the adjacent sidewalk clear zone.
  - d. Bands of textured concrete shall be installed which are: i) adjacent to the street which is in-line and equal in width to the street furniture zone; and ii) adjacent to the back of the required clear zone and in-line with the supplemental zone with a minimum width of five (5) feet from the sidewalk or such standard as developed by the Department of Public Works.
  - e. Notwithstanding the provisions of Section 16-28.006(10), independent driveways are not required whereas the Director of the Bureau of Planning may authorize a common or joint driveway when adjacent lots have direct vehicular access to a street or a driveway from a private street which functions as a public street based on traffic considerations when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Bureau of Planning.
3. Parking structures (either principal or accessory use):
  - a. When located immediately adjacent to any public right-of-way, private street, public park or adjacent R-1 through R-5, RLC, R-G, MR, PD-H district:
    - i. Shall have an appearance of a horizontal storied building on all levels and shall conceal automobiles from view. Said structure shall have an



- appearance similar to that of the adjoining or attached residential, commercial or mixed-use structure.
- ii. Parking structure facades shall have openings screened with mesh or decorative panels, tinted or sandblasted glass, or similar screening elements so as to prevent views into the parking structure.
- iii. Parking decks shall be illuminated with uplighting or shall contain shielded internal light bulbs to eliminate light spillage outside the structure. Rooftop lighting shall reduce light spillage onto adjacent properties by providing cutoff luminaries that have a maximum 90 degree illumination.
- b. Facades at sidewalk-level along any public right-of-way, private street or public park: Shall meet the active use and façade treatment requirements as applicable in Section 16-18I.004(1) unless topographic considerations render this requirement unreasonable. In such case, a continuous minimum five feet wide landscaped strip shall be provided between the structure and the public sidewalk, except at ingress and egress points into the structure. Said landscaped strip shall be planted with evergreen street trees spaced a maximum distance of 20 feet on center with a minimum caliper and height as specified in Section 16-18I.005(4). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs with a maximum mature height of 24 inches. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
- c. Facades at sidewalk-level not along any public right-of-way, private street or public park: Shall provide a continuous landscaped strip between the structure and property line to be planted as indicated in Section 16-18I.007(3)(b) above.
- 4. Valet Facilities: All valet facilities and uses shall not be located in the existing right-of-way drive lanes and upon any on-street parking spaces, unless authorized by the Commissioner of Public Works with review comments from the Director of the Bureau of Planning.

#### **Section 16-18I.008. Off-street parking and loading requirements**

In addition to the provisions of subsection 16-28.008(7), which shall apply and are incorporated herein, parking and loading shall be provided based on the requirements of the underlying zoning classification of each property, subject to subsections 1 through 5 below (see also sections 16-28.013 and 16-28.014).

1. Minimum parking for eating and drinking establishments: One space for each 300 square feet of floor area; and
  - i. Accessory uncovered outdoor dining over twenty-five percent (25%) of the total gross floor area of the business: shall provide one space per 600 square feet for the said total accessory outdoor dining area.
  - ii. Accessory uncovered outdoor dining less than twenty-five percent (25%) of the total gross floor area of the business: No minimum parking requirement.
2. Parking facilities shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with non-residential parking requirements below.
3. Off-street surface parking lots, including those for the authorized sale or lease of vehicles shall not be located between a building and the adjacent street without an intervening building.
4. All parking areas and structures shall have delineated walkways at a minimum width of four (4) feet connecting ground-level parking to the public sidewalks and building entrances.

5. Reduction of off-street parking requirements may be granted by administrative variation subject to evidence of a shared parking arrangement within 600 feet of the property and not located within districts R-1 through R-5, RLC or PDH or immediately adjacent detached single-family dwelling in districts RG-1, RG-2, MR-1, and MR-2. Said evidence of a shared parking arrangement shall include the following:
  - i. A to-scale map indicating location of proposed parking spaces; and
  - ii. Hours of business operation of non-residential parking users; and
  - iii. Written consent of property owners agreeing to the shared parking arrangement; and
  - iv. Copies of parking leases. Renewed leases shall be filed with the Bureau of Planning. Lapse of a required lease agreement shall terminate the Special Administrative permit for shared parking.
6. Reduction of off-street loading requirements may be approved by the Director of the Bureau of Planning subject to a shared loading arrangement that avoids conflicting loading demands.
7. Carpool parking: Any development having over 50,000 square feet of gross office space shall reserve and designate at least five percent (5%) of the parking spaces "Carpool Only, or "Vanpool Only". Such spaces shall be located near the building's entrance or other preferable locations within the employee parking areas and all new parking structures shall be built to accommodate vanpool access at entry level at a minimum ceiling height of eight feet two inches (8'-2").

#### **Section 16-181.009. Minimum bicycle parking requirements**

The following bicycle parking requirements shall be as specified in the Buckhead SPI-9 Bicycle Parking Table and subject to the following:

1. All spaces provided shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Bureau of Planning as applicable.
2. A minimum of twenty percent (20%) of provided bicycle parking shall be located within the street furniture and tree planting zone. The remainder shall be a maximum horizontal distance of 100 feet from a building entrance and shall be covered from inclement weather or located within an accessory parking structure.

<b>Buckhead SPI-9 Bicycle Parking Table</b>		
<b>Use</b>	<b>Minimum Bike Parking Requirement</b>	<b>Maximum Bike Parking Requirement</b>
- Multi-family dwellings	The greatest of either: Two (2) spaces or one (1) space for every five (5) multi-family units.	No more than 50 spaces required
- Non-residential	The greatest of either: Two (2) spaces or one (1) space for every 4,000 sq. ft.	No more than 50 spaces required

#### **Section 16-181.010. Pedestrian Bridges and Tunnels.**

Pedestrian bridges, tunnels, buildings and parking structures shall be prohibited when located above or below public streets with the exception of tunnels for service and loading purposes only.